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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
DAVID LAFRAIN,  
  
Defendant.

Case No. 2:17-CR-00109-JCM-CWH  
  
**STIPULATION TO CONTINUE  
SENTENCING DATE**  
(Second Request)

**IT IS HEREBY STIPULATED AND AGREED**, by and between DAYLE ELIESON, United States Attorney, and DANIEL J COWHIG, Assistant United States Attorney, counsel for Plaintiff the United States of America, and MICHAEL R. PANDULLO, ESQ., counsel for Defendant DAVID LAFRAIN, that the sentencing currently scheduled for September 27, 2018, at the hour of 10:00 a.m., be vacated and reset to a date and time convenient to this Court, but in no case any sooner than Ninety (90 days).

This Stipulation is entered into for the following reasons:

1. Defendant is still cooperating with the government in United States v. Boyar, et al., Case no. 2:17-CR-0021-JCM-GWF. AUSA Daniel Cowhig would like additional time to work through the co-defendants' matters.
2. Defendant's plea agreement includes provisions that require him to testify truthfully in that matter and in any other if called to do so.

- 1 3. Defendant is not in custody and does not object to this continuance.
- 2 4. Counsel has spoken to Assistant United States Attorney Daniel Cowhig and he has
- 3 no opposition to the continuance.
- 4 5. The additional time requested herein is not sought for purposes of delay, but to allow
- 5 Defendant sufficient time to cooperate in United States v. Boyar, et al., Case no.
- 6 2:13-cr21-JCM, which is a provision of his plea agreement.
- 7 6. Additionally, denial of this request could result in a miscarriage of justice.
- 8 7. This is the first request to continue this sentencing hearing.
- 9
- 10

11 DATED this 13th day of September, 2018.

12 BY:

13 MICHAEL R. PANDULLO, ESQ.

DAYLE ELIESON  
UNITED STATES ATTORNEY

DANIEL J. COWHIG  
ASSISTANT UNITED STATES ATTORNEY

16 /s/ Michael R. Pandullo

/s/ Daniel J. Cowhig

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MICHAEL R. PANDULLO, ESQ.  
*Attorney for Defendant DAVID LAFRAIN*

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DANIEL J COWHIG  
*Attorney for the United States*

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*Attorney for Defendant DAVID LAFRAIN*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
DAVID LAFRAIN,  
  
Defendant.

Case No. 2:17-CR-00109-JCM-CWH

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

(Second Request)

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant is still cooperating with the government in United States v. Boyar, et al., Case no. 2:17-CR-0021-JCM-GWF. AUSA Daniel Cowhig would like additional time to work through the co-defendants' matters.
2. Defendant's plea agreement includes provisions that require him to testify truthfully in that matter and in any other if called to do so.
3. Defendant is not in custody and does not object to this continuance.
4. Counsel has spoken to Assistant United States Attorney Daniel Cowhig and he has no opposition to the continuance.

1 5. The additional time requested herein is not sought for purposes of delay, but to allow  
2 Defendant sufficient time to cooperate in United States v. Boyar, et al., Case no.  
3 2:17-CR-0021-JCM-GWF, which is a provision of his plea agreement.

4 6. Additionally, denial of this request could result in a miscarriage of justice.

5 7. This is the first request to continue this sentencing hearing.

6 **CONCLUSIONS OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interest of the  
8 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
9 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
10 opportunity within which to be able to effectively and thoroughly prepare for trial taking into  
11 account the exercise of due diligence.

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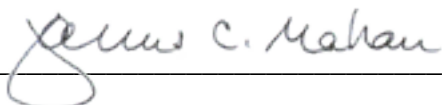
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1 **ORDER**

2 **IT IS HEREBY ORDERED** that sentencing currently scheduled for September 27,  
3 2018, at the hour of 10:00 a.m., be vacated and continued to the **9th day of January,**  
4 **2019 at 10:00 a.m., in Courtroom 6A.**

5  
6 DATED September 19, 2018.

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8   
9 UNITED STATES DISTRICT JUDGE

10 Submitted by:

11 /s/ Michael R. Pandullo

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MICHAEL R. PANDULLO, ESQ.  
13 *Attorney for Defendant DAVID LAFRAIN*  
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